

Chapter 14. AGENCIES, BOARDS, AND COMMISSIONS

14.1 Administrator

The authority to establish an Administrator for the City of Salisbury is granted under the authority of G.S. 160A-361 & 373.

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A. Duties of the Administrator

1. **General Responsibilities:** The various provisions of this Ordinance shall be administered by the City of Salisbury Land Management & Development Department under the primary direction of the Land Management & Development Director. For the purposes of the administration of this Ordinance, the Land Management & Development Director and subordinate staff are collectively referred to as the Administrator.
2. **Maintain Records and Files:** The Administrator shall maintain a record of all permits and approvals on file and copies shall be made available on request to interested parties.
3. **Water Supply Watershed WS-IV-PA Records:** The Administrator shall keep records on the total amount of acreage available under this option, total acres approved for this option, and site specific information on each development employing this option including: location, acres, site plan, use, Stormwater Management Plan, etc.
4. **Water Supply Watershed Variance Records:** The Administrator shall submit annually to the NC Division of Water Quality a copy of the minutes and decisions of any variance to the Water Supply Watershed Protection provisions of this Ordinance.
5. **Stormwater Ordinance Administration:** Any act authorized by the Sections 6.7, Post-Construction Storm Water Control (Phase II Stormwater Ordinance), or 15.23, Stormwater Permit, shall be carried out by the Administrator or his or her designee. The Administrator has the authority to determine the interpretation of this Ordinance. Any person may request an interpretation by submitting a written request to the Administrator, who shall respond in writing within 30 days. The Administrator shall keep on file a record of all written interpretations of this Ordinance. In addition to the powers and duties that may be conferred by other provisions of the Land Management & Development Ordinance and other laws, the Administrator shall have the additional following powers and duties under this subsection:
 - a. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to the Stormwater Ordinance.
 - b. To make determinations and render interpretations of the Stormwater Ordinance.

- c. To enforce the provisions of the Stormwater Ordinance in accordance with its enforcement provisions.
- d. To maintain records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of the Stormwater Ordinance.
- e. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.
- f. To take any other action necessary to administer the provisions of the Stormwater Ordinance.

14.2 Boards and Commissions Established

The following Boards and Commissions are hereby established:

- Planning Board
- Zoning Board of Adjustment
- Historic Preservation Commission
- Technical Review Committee

A. Planning Board

The authority to establish a Planning Board for the City of Salisbury is granted under the authority of G.S. 160A-361 & 387.

1. Authority and Responsibility

Not in conflict with Chapter 19, Article II (Planning Board) of the Salisbury City Code, the Planning Board shall have the following duties and responsibilities:

- a. To review and make recommendations on Text Amendments, Rezoning (including Conditional Districts), and Special Use Permits.
- b. To render opinions and make recommendations on all issues and petitions related to the Ordinance and other land use plans which may be adopted from time to time which require approval by the City Council.

2. Membership and Terms of Office: This is governed under Chapter 19, Article II (Planning Board) of the Salisbury City Code.

B. Zoning Board of Adjustment (ZBA)

The authority to establish a Zoning Board of Adjustment for the City of Salisbury is granted under the authority of G.S. 160A-388

1. Authority and Responsibility

The Zoning Board of Adjustment shall have the following duties and responsibilities:

- a. To hear and decide appeals from any order, decision, determination, or interpretation made by the Administrator pursuant to or regarding these regulations.
- b. To hear and decide appeals from any order, decision, determination, or interpretation made by the Technical Review Committee or the Historic Preservation Commission pursuant to or regarding these regulations.
- c. To hear and decide petitions for variances from the requirements of these regulations.
- d. To make an official interpretation of any portion of this Ordinance.
- e. To change the use of or expand certain nonconformities.

2. Membership and Terms of Office

- a. The Zoning Board of Adjustment shall consist of a total of five (5) members and seven (7) alternate members. In accordance with G.S. 160A-360, the total membership of the Zoning Board of Adjustment shall be proportional to the population of residents of the City of Salisbury and residents in the ETJ area.
- b. Representatives from within the corporate limits shall be appointed by the Salisbury City Council. Representatives from the ETJ shall be recommended by the Salisbury City Council to the Rowan County Commission for appointment.
- c. Alternate members shall serve on the Zoning Board of Adjustment only in the absence of the representative municipal or ETJ member.
- d. The Zoning Board of Adjustment meeting shall consist of five (5) members, with four (4) of the seated members representing the jurisdiction within the municipal corporate limits, and one (1) seated member representing the ETJ.
- e. Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.
- f. Members may serve a maximum of three (3) consecutive terms but may be re-appointed after a one year layoff.

- g.** The Zoning Board of Adjustment shall elect the Chairman and Vice-Chairman from among its members. The Chair and Vice-Chair shall serve one-year terms.

C. Historic Preservation Commission (HPC)

The authority to establish the Historic Preservation Commission for the City of Salisbury is granted under the authority of G.S. 160A-400.7.

1. Authority and Responsibility

- a.** To receive applications for certificates of appropriateness, review applications to determine appropriateness, and shall approve or disapprove such application.
- b.** Recommend to the City Council districts or areas to be designated by Ordinance as historic overlay districts, and recommend individual structures, buildings, sites, areas, or objects to be designated by Ordinance as an historic landmark.
- c.** Recommend to the City Council that designation of any area as an historic overlay district or part thereof be revoked or removed for cause and recommend that designation of individual structures, buildings, sites, areas, or objects as historic landmarks be revoked for cause.
- d.** Perform other duties or activities as are required elsewhere by the Salisbury Land Development Ordinance or the General Statutes of North Carolina or as assigned by the Salisbury City Council.

2. Membership and Terms of Office

- a.** The Historic Preservation Commission shall be a nine (9) member commission appointed by the City Council. A majority of the members of the commission shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields; and all the members shall reside within the territorial jurisdiction of the City of Salisbury.
- b.** Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.
- c.** The Historic Preservation Commission shall elect the Chairman and Vice-Chairman from among its members. The Chair and Vice-Chair shall serve one-year terms.

3. Design Guidelines

The Historic Preservation Commission shall include as an appendix to the rules of procedure “The Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings” and the “Historic District Guidelines” for determining appropriateness. The Design Guidelines shall be placed on file with the City of Salisbury and shall be made available to the general public.

D. Technical Review Committee (TRC)

The authority to establish the Technical Review Committee for the City of Salisbury is granted under the authority of G.S. 160A-361 & 373.

1. Authority and Responsibility

The Technical Review Committee shall have the following duties and responsibilities:

- a. To establish the technical requirements for all applications, including: submission schedules, size and number of drawings, type of media, etc.;
- b. To review for compliance with all applicable provisions of this Ordinance and for consistency with all adopted comprehensive and area plans and make recommendations to Planning Board and City Council on Conditional Districts.
- c. To review and, when applicable, approve major site plans, major subdivision plats, and other methods of development requiring compliance with this Ordinance. In determining compliance with this Ordinance, the TRC may take the following actions:
 - (1) Approve the site plan or subdivision plat as submitted upon determining compliance with all applicable provisions of the Ordinance.
 - (2) Grant provisional approval of the site plan or subdivision plat by providing to the applicant a detailed description of the applicable areas of non-compliance with the Ordinance; in turn, allowing the applicant to make all necessary changes to receive approval. Following resubmission of plans by the applicant, the Administrator may grant approval or require placement on another TRC agenda for review and approval.
 - (3) Deny the site plan or subdivision plat with a written statement of non-compliance for all applicable provisions of the Ordinance.
 - (4) Temporarily suspend review of the site plan or subdivision plat pending additional information, clarification, or modification of the submittal by the applicant. Once review has been suspended, the

case must be placed on another TRC agenda before review can resume.

2. Membership

The Technical Review Committee shall be chaired by the Land Management and Development Director (or their designee) and shall consist of the following members:

- One (1) City Council Member (ex-officio, non-voting)
- One (1) Planning Board Member (ex-officio, non-voting)
- The following Departments Directors, or their designee:
 - Land Management & Development
 - Salisbury-Rowan Utilities
 - Fire
 - Public Services
- The following technical staff (as selected by the Land Management & Development Director on a project by project basis):
 - Planner (1)
 - Engineer (1)
 - Zoning Administrator (1)
- In addition, the Chair may, at their discretion, or at the request of other TRC members, invite other administrative staff members from the following organizations to participate in the meetings. Such participants shall serve in a non-voting capacity.
 - Other City of Salisbury Departments
 - Departments of Rowan County
 - NC Department of Transportation
 - Other NC State Agencies
 - Other Federal Agencies

14.3 Meetings and General Procedures

All meetings of bodies under this Chapter shall be open to the public in accordance with G.S. 143-318 (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the respective bodies.

Any and all adopted rules of procedure shall be kept on file at the Land Management & Development Department office and shall be made available upon request.

All bodies authorized under this Chapter shall meet at regularly-scheduled times and at such other times as determined by the chairman as provided for in the applicable rules of procedure.

14.4 Staff

The Administrator shall serve as staff to the Planning Board, Zoning Board of Adjustment, Historic Preservation Commission, and the Technical Review Committee. In addition, the City Attorney may provide legal and procedural assistance to the Zoning Board of Adjustment.

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